

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION - CINCINNATI

MICKEY MURRILL,	:	Case No. 1:21-cv-592
	:	
Petitioner,	:	Judge Matthew W. McFarland
	:	Magistrate Judge Karen L. Litkovitz
v.	:	
	:	
WARDEN, LONDON CORRECTIONAL	:	
INSTITUTION,	:	
	:	
Respondent.	:	

**ORDER ADOPTING REPORT AND RECOMMENDATION (Doc. 18) AND
TERMINATING CASE**

This action is before the Court on Magistrate Judge Karen Litkovitz's Report and Recommendation (Doc. 18). This matter was referred to Magistrate Judge Litkovitz pursuant to 28 U.S.C. § 636(b). She recommends that the petition be dismissed with prejudice. Petitioner has filed objections. As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a de novo review of the record in this case. Upon review, the Court **ADOPTS** the Report and Recommendation, **OVERRULES** the objections, and **ORDERS** as follows:

- (1) The habeas petition is **DISMISSED WITH PREJUDICE** for the reasons stated in the Report.
- (2) A certificate of appealability should not issue with respect to any of the claims for relief alleged in the petition, because "jurists of reason" would not disagree that the petition is barred from review on a procedural ground. *Slack v.*

McDaniel, 529 U.S. 473, 484–85 (2000).

(3) The Court **CERTIFIES** pursuant to 28 U.S.C. § 1915(a) that, for the reasons expressed in the Report, an appeal of this Order adopting the Report would not be taken in good faith, and therefore **DENIES** plaintiff leave to appeal *in forma pauperis*. See *McGore v. Wrigglesworth*, 114 F.3d 601, 611 (6th Cir. 1997), overruled on other grounds, *Jones v. Bock*, 549 U.S. 199, 203 (2007). Plaintiff remains free to apply to proceed *in forma pauperis* in the Court of Appeals. *Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999).

(4) This matter is **TERMINATED** from the Court's docket.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

By: 
JUDGE MATTHEW W. McFARLAND